

PATENT
Response under 37 C.F.R. 1.116
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d) Remarks

In the Office Action, claims 3, 4 and 7 were indicated to be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

The application is put into condition for allowance by this paper, insofar as:

- (1) the subject matter of allowed claim 3 (that the indicator is a porphyrin) has been added to claim 1 and claim 3 has been canceled;
- (2) the subject matter of allowed claim 4, including all limitations of its base claim 1, (that the binding protein is AChE) has been rewritten as new claim 9;
- (3) the subject matter of allowed claim 7, including all limitations of its base claim 1 and intervening claim 6, has been rewritten as new claim 15;
- (4) claim 8 has been amended to include --of-- after "steps"; and
- (5) claim 6 has been amended to make clear how the two spectral values measured are being used in the invention.

Considering this, it is sincerely believed that this case is in a condition for allowance, which is respectfully requested.

Information Disclosure Statements

The Examiner stated in the Office Action that "the information disclosure statement filed September 17, 2001 and August 26, 2002 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office."

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The Examiner is advised that Applicant indeed filed Forms PTO-1449 with each Information Disclosure Statement filed on September 17, 2001 and August 26, 2002. Attached are copies of the Forms PTO-1449 filed along with copies of the postcard listing the inclusion of said Forms. Applicant respectfully requests that the prior art submitted be considered and the Forms returned indicating such.

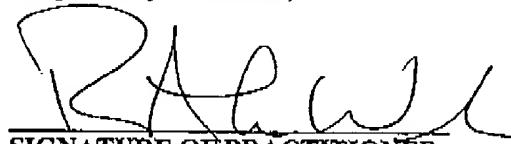
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This paper is intended to constitute a complete response to the outstanding Final Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

DATE

7/19/04

Respectfully submitted,



SIGNATURE OF PRACTITIONER

Reg. No.: 36,050

R. Alan Weeks

(*type or print name of practitioner*)

Tel. No.: (918) 599-0621

321 S. Boston Ave., Suite 800

P.O. Address

Customer No.: 22206

Tulsa, OK 74103-3318

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